

HTC
SGC

AO 242 (Rev. 10/16) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

2019 NOV 15 P 3:02

U.S. DISTRICT COURT
N.D. OF ALABAMA

Jaquelyn Howard on behalf of

Petitioner

of Darius A. Howard

(Full name)

-v-

Civil Action No. 7:19-cv-1860-
(to be filled in by the
Clerk's Office) KOB-SHC

Taylor Hardin Secured Medical Facility

Respondent

(Name of warden or authorized person having custody of petitioner.)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Darius A. Howard
(b) Other names you have used: _____
2. Place of confinement: 1406 8th Avenue Jasper, AL 35501
(a) Name of Institution: Taylor Hardin Secured Medical Facility
(b) Address: 301 Jack Warner Parkway
Resaca, AL 35404
(c) Your prisoner identification number: _____
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☒ Other – explain:
Darius was sent to Taylor Hardin from WCT but was
4. Are you currently: not convicted of a crime
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____

9. **Third Appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court:

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of authority, agency, or court: The Senate thing
 (2) Date of filing: happend, NO Response
 (3) Docket number, case number, or opinion number: _____
 (4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion Under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes ☐ No Conviction + Commitment.

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence? ☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: Walker County Court
 (2) Case number: _____
 (3) Date of filing: May 15 2019 Court Aug 7, 2019
 (4) Result: Darius transferred to Taylor Hardin
 (5) Date of result: Aug 14, 2019
 (6) Issues raised: Darius wasn't convicted of a crime nor was he court ordered by a probate judge to be placed there.

(b) Docket number of criminal case: _____

(c) Date of sentencing: _____

☐ Being held on an immigration charge☒ Other (explain) Darrius was held at the Walker County Jail over a year from July 20, 2018 until Aug 14, 2019 for a revoked bond NEVER CHARGED OR CONVICTED OF ANYTHING & the transferred to5. What are you challenging in this petition: Taylor Hardin for No reason☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)☐ Pretrial detention☐ Immigration detention☒ Detainer☒ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☐ Disciplinary proceedings☐ Other (explain) ~~I~~ I should have the right to take6. Provide more information about the decision or action you are challenging: Darrius to a facility(a) Name and location of the agency or court: Taylor-Hardin treatmentSecured Medical Facility, BCI Jack Warner Pkwy(b) Docket number, case number, or opinion number: Tuscaloosa AL(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Darrius was sent to Taylor Hardin withoutbeing convicted of a crime or without being court ordered by a Probate Judge.(d) Date of the decision or action: Aug 14, 2019**Your Earlier Challenges of the Decision or Action**7. **First Appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No(a) If "Yes," provide: Filed Court of Habeas Corpus against the Walker County Jail Aug 2018 & Judge Ott
Never made the Walker County Jail produce Darrius before the Court.

- (1) Name of authority, agency, or court: US Northern District
 (2) Date of filing: Fed Courts Judge Ott & Judge Clone
 (3) Docket number, case number, or opinion number: _____
 (4) Result: NO results, Never made the courts
 (5) Date of result: produce my son in court
 (6) Issues raised: I wrote the courts several times on behalf of my son Darius & NOTHING WAS EVER DONE!!

(b) If you answered "No," explain why you did not appeal: _____

8. Second Appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court:

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of authority, agency, or court: US Northern District Fed
 (2) Date of filing: Court House Judge Ott & Judge Clone
 (3) Docket number, case number, or opinion number: _____
 (4) Result: No results, This court failed my son
 (5) Date of result: _____
 (6) Issues raised: With a petition of writ of Habeas Corpus, they courts are suppose to make the facility holding Darius produce him in court in front of a judge, but this never happened. JUDGE OTT & JUDGE CLONE FAILED MY SON DARIUS A. HOWARD

(b) If you answered "No," explain why you did not file a second appeal: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence? No, because I just kept getting the run around from the Clerk's Office & Judge, off & this clerk & also Judge. Clone & clerk Karen Humphrey's. I never got a response from Judge Clone himself (who was the rightful Judge in our case).
- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: Because the Court ignore my plea for help through the writ of Habeas Corpus that I filed. They never made the Court/jail (Walker County Jail) present Darnius before the Court.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes ☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?
☐ Yes ☐ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____
 (2) Date of filing: _____
 (3) Case number: _____
 (4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes ☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: Writ of Habeas Corpus
 (b) Name of authority, agency, or court: United States Northern District Federal Building Courts
 (c) Date of filing: August 2018
 (d) Docket number, case number, or opinion number: _____
 (e) Result: No results
 (f) Date of result: No results

- (g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Dennis Howard has not been convicted
OF ANY CRIME.

- (a) Supporting facts *(Be brief. Do not cite cases or law.)*: _____

- (b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☐ No

GROUND TWO: _____

- (a) Supporting facts *(Be brief. Do not cite cases or law.)*: _____

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☐ No

GROUND THREE: _____

(a) Supporting facts (*Be brief. Do not cite cases or law.*): _____

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☐ No

GROUND FOUR: _____

(a) Supporting facts (*Be brief. Do not cite cases or law.*): _____

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: _____

Request for Relief

15. State exactly what you want the court to do: To release Darnius Howard
my son to me, his mother so that I can
seek medical/mental health treatment for
him of my choice.

Declaration Under Penalty of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system: _____

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: Aug 19, 2019

Jacquelyn Howard
On behalf of Darnius Howard
Signature of Petitioner

Signature of Attorney, if any